

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Petitioner,

V.

## STATE OF WASHINGTON,

## Respondent.

Case No. 2:23-cv-00058-DGE

**ORDER ADOPTING REPORT AND  
RECOMMENDATION (DKT. NO. 2)**

Having reviewed the Report and Recommendation (Dkt. No. 2) of the Honorable

Michelle L. Peterson, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation.

(2) The Clerk shall administratively CLOSE this matter and STRIKE any pending

motions as moot. See *Demos v. Stanley*, MC97-31-JLW (W.D. Wash. Mar. 13, 1997). The Court further adds in response to Plaintiff's objections (see Dkt. No. 3 at 2) that the Court in *In re Demos*, 500 U.S. 16 (1991) did not hold that Plaintiff had an unqualified right to file writs of habeas corpus *in forma pauperis* in this, or any other judicial forum. See *id.* at 17. Indeed, the Court warned Plaintiff against abusing the system.

1                     (3)     The Clerk is directed to send copies of this Order to Plaintiff and to Judge  
2 Peterson.

3                     Dated this 28th day of February, 2023

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6                     David G. Estudillo  
7                     United States District Judge